

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRACY CECIL HAMOND, JR.,

Petitioner,

v.

CASE NO. 94-74431
HON. LAWRENCE P. ZATKOFF

JAN TROMBLEY,

Respondent.

ORDER

This matter is before the Court upon Petitioner's Motion Pursuant to Rule 60(b). In his motion, Petitioner argues that the Court should relieve him from the Court's ruling denying his petition for habeas corpus on December 17, 1996.

Pursuant to FED. R. CIV. P. 60(b), “[o]n motion and upon such terms as are just, the court may relieve a party ... from a final judgment, order, or proceeding for the following reasons ... (6) any other reason justifying relief from the operation of the judgment.” FED. R. CIV. P. 60(b). However, a motion under Rule 60(b)(6) “shall be made within a reasonable time.” *Id.*

Petitioner's motion, while not lacking in creativity, was not filed within a reasonable time. Petitioner argues that his state court conviction was improper because the state court lacked subject matter jurisdiction over his charge of first degree murder. Notwithstanding the legal inadequacies of Petitioner's argument, the Court denied his writ of habeas corpus over ten years ago and Petitioner provides no reason why his argument took a decade to prepare. Thus, the Motion is severely untimely under Rule 60(b).

Additionally, Michigan state courts are courts of general jurisdiction and have subject matter jurisdiction over criminal cases arising in Michigan. Petitioner's crime took place in Livingston

County, which is where he was arrested, arraigned and tried. The Livingston County circuit court had subject matter jurisdiction over Petitioner's case at all times. Consequently, Petitioner's argument is without merit. Therefore,

IT IS ORDERED that Petitioner's Motion is DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: March 2, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 2, 2007.

s/Marie E. Verlinde

Case Manager
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